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Attorney's Pocket No.: 390.P3275R

Patent

DECLARATION AND POWER OF ATTORNEY FOR REISSUE PATENT APPLICATION

RECEIVED

FEB 27 2002

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name. Technology Center 2100

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**METHOD AND APPARATUS PROVIDING MULTIPLE VOLTAGES AND FREQUENCIES
SELECTABLE BASED ON REAL TIME CRITERIA TO CONTROL POWER CONSUMPTION**

the specification of which is attached hereto and was issued as U.S. Patent No. 5,812,860 (the "original patent") from application number 599,648 filed February 12, 1996 (the "original application").

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the original application, that the same was not in public use or on sale in the United States of America more than one year prior to the original application, and that the invention has not been patented or made the subject of an inventor's certificate issued before the date of the original application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to the original application.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			<u>Priority Claimed</u>	
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
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I hereby claim the benefit under title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below

(Application Number)

Filing Date

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I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

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We verily believe the original patent to be wholly or partially inoperative:

by reason that the patent claims less than We had a right to claim in the patent. The claim or claims will be partly inoperative in failing to protect against infringement of all embodiments of our invention. Thus, We hereby indicate a desire to seek broadened claims as indicated in the Preliminary Amendment filed herewith. We also hereby affirm that this reissue application was filed diligently upon discovery of the following error.

All errors arose in the prosecution of the original application which resulted in the issuance of the patent. The attorney prosecuting the original application failed to appreciate the scope of the invention, and thus, limited the claims as indicated below.

The error arose without any deceptive intention on our part.

We further acknowledge my duty to disclose information which is material to the examination of the application under 37 CFR § 1.56.

Specifically, in claim 1, the clock signal generator need not have been recited.

Full Name of Sole/First Inventor A. Ira Horden

Inventor's Signature _____ Date _____

Residence Phoenix, Arizona Citizenship USA
(City, State) (Country)

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Full Name of Second/Joint Inventor Steven D. Gorman

Inventor's Signature Steven D. Gorman Date 10/08/2001

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Full Name of Third/Joint Inventor Lionel S. Smith

Inventor's Signature _____ Date _____

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(City, State) (Country)

Post Office Address 2272 County Road 245, Durango, Colorado 81301-8983, USA



Attorney's Docket No.: 420990.P3275R

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Full Name of Sole/First Inventor A. Ira Horden

Inventor's Signature *A. Ira Horden* Date 10/24/2001

Residence Phoenix, Arizona Citizenship USA
(City, State) (Country)

Post Office Address ~~3748 East Mare Court, Phoenix, Arizona 85044, USA~~ *A. Ira*
3795 Brookcroft Ln. Boothwyn, PA 19061, USA

Full Name of Second/Joint Inventor Steven D. Gorman

Inventor's Signature _____ Date _____

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(City, State) (Country)

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Full Name of Third/Joint Inventor Lionel/S. Smith

Inventor's Signature _____ Date _____

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Inventor's Signature _____ Date _____

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Full Name of Third/Joint Inventor Lionel S. Smith

Inventor's Signature  Date 10/15/2001

Residence Durango, Colorado Citizenship USA
(City, State) (Country)

Post Office Address 2272 County Road 245, Durango, Colorado 81301-8983, USA

Title 37, Code of Federal Regulations, Section 1.56
Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.